REMARKS

This application has been reviewed in light of the non-final Office Action mailed on October 2, 2008. Claims 1-42 are pending in the application with Claims 1, 15, and 29 being in independent form. By the present amendment, Claims 1, 15, 29, and 36 have been amended. No new matter or issues are believed to be introduced by the amendments. The amendments were made to overcome objections to the Claims and not for patentability purposes.

The Examiner objected to the drawings. Specifically, the Examiner stated that Figures 1 and 2 should be labeled as prior art. Applicants respectfully disagree. Applicants inform the Examiner that Figures 1 and 2 are presented for illustrative purposes to depict a wireless mobile communications system having a plurality of cells. The allocation process of the present disclosure pertains to such an illustrative wireless mobile communications system. Thus, Figures 1 and 2 are not necessarily prior art. Applicants therefore respectfully request that the objection to the drawings be withdrawn.

Claims 1, 7-9, 14-15, 21-23, 28, 29, 35-37, and 42 were rejected under 35 U.S.C. §102(e) as being anticipated by Mashinsky et al. (U.S. Application No. 2003/0050070). The rejection is respectfully traversed.

Claim 1, as amended herein, recites, *inter alia*, as follows:

> "...allocating the radio RF resources shared by said different communications schemes according to: (i) said detected information and (ii) **one or more of a plurality of time-dependent or time-specific parameters related to the detected information**." (emphasis added)

Mashinsky fails to disclose or suggest "...allocating the radio RF resources shared by said different communications schemes according to: (i) said detected information and (ii) one or

more of a plurality of time-dependent or time-specific parameters related to the detected information," as recited in amended independent Claim 1.

As best understood, Mashinsky relates to dynamic spectrum allocation and management in a wireless telephone/data system (page 1, paragraph [0002]). Also, Mashinsky maximizes the allocations of a device by using existing in-band control channels or out-of-band control channels for detecting a signal sent by all providers in an area and for storing pertinent information for later use in an internal or external database. This information is used to select which network to access for the service. (Page 2, paragraph [0020]) Therefore, in Mashinsky, dynamic account allocation is achieved by pooling together spectrum and network availability, as well as congestion information, from different service providers in a central database and by the purchase of wholesale volume of network capacity or accounts with predetermined monthly usage (Abstract). The purchased network capacity is dynamically allocated to devices of different origin/ownership and the central system operator administrates the rebilling and reconciliation of any fractional usage to each device (Abstract).

The allocation performed in the present disclosure also focuses on allocation of resources within a wireless communications network. However, the similarities end there. In contrast to Mashinsky, in the present disclosure, allocation is achieved by a different means. In other words, allocation is achieved by a resource allocator 80 that dynamically allocates RF resources shared by TSM and/or TD-SCDMA wireless communication schemes, according to the number of the requests for accessing each of the different wireless communication schemes recorded by the memory in a statistical configuration method or according to the types of the wireless communication schemes detected by status detector 90 (page 2, paragraph [0031]).

Additionally, in the present disclosure, in a first embodiment, allocator 80 uses the number of the requests for accessing each TSM and/or TD-SCDMA wireless communication schemes within the whole interval to calculate a traffic ratio (page 3, paragraph [0038]). However, the most important data is the data from rush hour of the interval which is most related to the block rate. Thus, in a second embodiment, instead of using the number of the requests within the whole interval, only the number of requests from the rush hour of the interval is used to calculate the ratio R.

The present disclosure teaches and/or suggests allocating resources shared by said different communications schemes according to detected information and to one or more of a plurality of time-dependent or time-specific parameters (e.g., requests within a whole interval or requests within a partial interval) related to the detected information. Thus, the parameters can be time-specific in accordance with one or more cells (locations), network traffic, network configurations, time-dependent variables/parameters, etc. As a result, allocation is based on the number of requests made in time-dependent or time-specific intervals. In contrast, Mashinsky merely accomplishes the allocation task by overseeing network availability and congestion information, not by a number of requests made in time-dependent or time-specific intervals.

Accordingly, the withdrawal of the rejection under 35 U.S.C. §102(e) with respect to Claim 1 and allowance thereof is respectfully requested.

Independent Claims 15 and 29 include similar limitations to those of Claim 1, and are allowable over the prior art of record for at least the same reasons presented above for the patentablity of independent Claim 1.

Dependent Claims 7-9, 14, 21-23, 28, 35-37, and 42, are allowable over the prior art of record for at least the same reasons presented above for the patentablity of independent Claims 1,

15, and 29. Accordingly, the withdrawal of the rejection under 35 U.S.C. §102(e) with respect to dependent Claims 7-9, 14, 21-23, 28, 35-37, and 42, and allowance thereof are respectfully requested.

Claims 11-13, 25-27, and 39-41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mashinsky. The rejection is respectfully traversed.

Dependent Claims 11-13, 25-27, and 39-41, are allowable over the prior art of record for at least the same reasons presented above for the patentablity of independent Claims 1, 15, and 29. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 11-13, 25-27, and 39-41, and allowance thereof are respectfully requested.

Claims 2-6, 16-20, and 30-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mashinsky in view of Strich et al. (U.S. Application No. 2002/0054580). The rejection is respectfully traversed.

Dependent Claims 2-6, 16-20, and 30-34, are allowable over the prior art of record for at least the same reasons presented above for the patentablity of independent Claims 1, 15, and 29. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 2-6, 16-20, and 30-34, and allowance thereof are respectfully requested.

Claims 10, 24, and 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mashinsky in view of well-known prior art. The rejection is respectfully traversed.

Dependent Claims 10, 24, and 38 are allowable over the prior art of record for at least the same reasons presented above for the patentablity of independent Claim 1. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 10, 24, and 38, and allowance thereof is respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all Claims presently pending in the application, namely, Claims 1-42, are believed to be in condition for allowance.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully submitted,

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